

REMARKS

Applicants respectfully request reconsideration of the present application, as amended, and consideration of the following remarks. Claims 1 – 32 are pending. Claims 21 – 32 have been allowed. Claims 1, 2, 4 – 7 stand rejected, and claims 3, 8 – 20 are objected to.

In the accompanying amendment, claims 1 and 27 have been amended, and claims 2 – 3 and 8 have been canceled.

Support for the amendments can be found in the specification, the drawings, and in the claims as originally filed. Applicants submit that the amendments do not add new matter.

The Examiner has rejected claims 1, 2, and 4 – 17 under 35 U.S.C. 102 (b) as being anticipated by Goldburt et al. (U.S. Patent No. 4,900,136).

In response, the applicants have amended claim 1, and have canceled claims 2 – 3, and claim 8.

Amended claim 1, includes the following limitations:

two walls defining a cavity having a cavity dimension, the cavity being configured so that the cavity dimension changes in response to electrostatic forces applied to the cavity, wherein the cavity dimension determines an optical response to light incident on the cavity, the optical response being based on interference, and

at least two electrical structures configured to apply electrostatic forces in the vicinity of the cavity, the electrical structures being independently controllable.
(Amended Claim 1)

The Examiner has indicated in paragraph 2, page 3 of the Office Action mailed 6/6/2003, that “claims 4, and 8 – 12 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.” As will be

seen, the limitations of claims 3 and 8 have been incorporated into amended claim 1, which is the base claim on which claims 3 and 8 (now canceled) depended. Thus, it is respectfully submitted that amended claim 1 is now in condition for allowance.

Given that claims 4 – 7, dependent claim 1, it is respectfully submitted that these claims are also in condition for allowance.

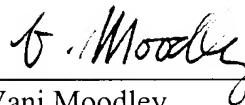
Claim 27 has been amended in order to correct minor informalities therein. It is respectfully submitted that claim 27, as amended, is also in condition for allowance.

On account of the foregoing, the applicant respectfully requests that claims 1, 2, and 4 – 17 be allowed. Please charge any shortages and credit any overages to Deposit Account No. 02-2666. Any necessary extension of time for response not already requested is hereby requested. Please charge any corresponding fee to Deposit Account No. 02-2666. Please charge any fees not covered by any check submitted herewith to our Deposit Account No. 02-2666.

Respectfully submitted,

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Under 37 CFR § 10.9(b)

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